

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

November 21, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Vice Mayor Scattini on November 21, 2005, at 6:02 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Vice Mayor Robert Scattini, City Council Members Brad Pike, Doug Emerson, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass and City Clerk Geri Johnson.

ABSENT: Mayor Pauline Valdivia.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of November 21, 2005, was posted on the bulletin board at City Hall on November 18, 2005, at 8:20 a.m. per Government Code Section 54954.2.

CLOSED SESSION AGENDA:

A. Public comment for Closed Session agenda.

None.

B. Vice Mayor Scattini announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential

cases will be discussed)

2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential

Council Member Johnson moved to recess to Closed Session at 6:04 p.m. to discuss the items listed above. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.

The City Council reconvened at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was answered as follows:

PRESENT: Vice Mayor Robert Scattini, City Council Members Brad Pike, Doug Emerson, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

ABSENT: Mayor Pauline Valdivia.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of November 21, 2005, was posted on the bulletin board at City Hall on November 18, 2005, at 8:20 a.m. per Government Code Section 54954.2.

PROCLAMATION:

Vice Mayor Scattini proclaimed November 20-26, 2005, to be Family Week in the City of Hollister. Council Member Johnson read the Proclamation and presented it to Elaine Kovanda.

CLOSED SESSION:

City Attorney Cass announced that the City Council of the City of Hollister had met in Closed Session to discuss the following and there was nothing to report:

1. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - 1 potential case was discussed.

Council Member Emerson moved to hear item E. 3. after item B. 1. Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Mayor Valdivia absent.

A. CONSENT RESOLUTION (November 21, 2005):

1. Minutes of the Regular Meeting of November 7, 2005.
 - (a) Approved the Minutes of the Regular Meeting of November 7, 2005, as submitted.
2. Warrant Registers.
 - (b) Received transmittals, Warrant Registers, from Administrative Services Director Galvan.
 - (c) Ratified and approved Warrant Registers dated:
October 27, 2005, in the amount of \$230,269.33
November 3, 2005, in the amount of \$1,169,520.59
3. Claim Against the City - Perreira.

- (a) Received transmittal dated October 17, 2005, Claim Against the City - Perreira, from City Clerk Johnson.
- (b) Denied the claim against the City filed by Concha A. Perreira and authorized staff to send the Notice of Rejection to the claimant.

Council Member Pike moved to adopt the Consent Resolution (November 21, 2005) as stated above. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

- 1. Public Input.
 - (a) Marvin Jones, Hollister, CA thanked God that we live in a place where we can agree to disagree. There are service people all over the world and he believes the City Council should consider a resolution of thanks to all service people.
 - (b) Dolly DeVasier, Hollister, CA thanked the City Council for the use of the Veterans Memorial Building by the VFW Ladies Auxiliary.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

- 3. Water and Wastewater Issues.
 - (a) City Manager Quilter introduced Harry Blohm, who gave a very thorough report on the Hollister Urban Area Water and Wastewater Master Plan that is sponsored by the City of Hollister, the County of San Benito, and the San Benito County Water District.
 - (b) Marilyn Ferreira, Hollister, CA questioned the implementation of the Master Plan and how is it going to happen.
 - (c) Mr. Blohm stated that the Master Plan is a blueprint. It does not guarantee that the new wastewater treatment plant will be build, but the State Regional Water Quality Control Board wants assurance and the two go hand in hand. Staff conducts weekly meetings to ensure the plant will be built and everyone is working together on this project.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

- 1. Consideration of the 2005-2023 City of Hollister General Plan and Certification of the Final Environmental Impact Report (FEIR).

- (a) Received transmittal dated November 10, 2005, Consideration of the 2005-2023 City of Hollister General Plan and Certification of the Final Environmental Impact Report (FEIR), from Planning Manager Heiser.
- (b) Received oral reports from Daniel Iacofano and Jeff Baird.
- (c) This being the time and place as advertised, the Public Hearing for the certification of the Final Environmental Impact Report was opened at 7:17 p.m.
- (d) There being no speakers for or against the matter, the Public Hearing was closed at 7:18 p.m.
- (e) This being the time and place as advertised, the Public Hearing for the 2005-2023 City of Hollister General Plan was opened at 7:24 p.m.
- (f) James DelaPena, Hollister, CA spoke in favor of the General Plan but would like the north gateway center to be landscaped, would like a restaurant row on Highway 25 east of San Felipe Road, wants access to his property off of the proposed Highway 25 bypass, and wants to eliminate the proposed sound wall on the Highway 25 bypass
Daniel Iacofano explained that the land use is consistent with the new General Plan, the design standard is not a General Plan issue, and the sound wall is a CalTrans issue.
- (g) Scott Fuller, Hollister, CA requested that there should be a change to the designation on a portion of the Hart property from Phase 4 to Phase 1 so that all of the property is in the same phase which would be an economic help to downtown as Gavilan College is considering part of the property.
Planning Manager Susan Heiser and Planning Commission Chairman Ray Friend agreed that the Planning Commission discussed the phasing strategy for similar projects to determine phasing and wants the downtown and infill done before something is done outside of the sphere of influence.
- (h) Liz Sparling, Hollister, CA representing the San Benito County Chamber of Commerce, said they encourage the adoption of the General Plan and that it has excellent components.
- (i) Brad Sullivan, Hollister, CA representing the Jim Matthews property north of the LDS Church, said the property is in the County and was removed from the sphere of influence. He encouraged consistent planning with the County plans. They want to be considered for the City's higher density zoning.
Planning Manager Heiser explained that the County had zoned that property on an interim basis during the City's moratorium for special needs housing with interim septic tanks.

- (j) Barbara Nicoara, Hollister, CA representing the Diabetes Coalition of San Benito County, thanked the Planning Department and Planning Commission for including biking and walking in the General Plan as over 30% of school age children in San Benito County are overweight.
- (k) Marvin Jones, Hollister, CA looked at the General Plan website and thanked the Planning Department and the Planning Commission.
- (l) There being no other speakers for or against the matter, the Public Hearing was closed at 8:15 p.m.
- (m) City Council discussion.
- (n) Council Member Emerson moved to certify the Final Environmental Impact Report (FEIR) with statements of overriding consideration and for staff to prepare the necessary resolution for City Council consideration at the meeting of December 5, 2005. Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Mayor Valdivia absent.
- (o) Council Member Pike moved to adopt the General Plan as recommended by the Planning Commission and to include the Hart property in Phase 1 and in not include the Matthews property in the General Plan at this time. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.

The City Council recessed at 8:44 p.m.

The City Council reconvened at 8:52 p.m. All Members present per Roll Call.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

- 1. Purchase nine hand-held "Stalker II" Stationary Radar Units and Accessories.
 - (a) Received transmittal dated November 10, 2005, Purchase of Nine Hand-held "Stalker II" Stationary Radar Units and accessories, from Chief of Police Miller.
 - (b) Council Member Pike moved to authorize the purchase of nine hand-held "Stalker II" Stationary Radar Units and Accessories with grant funds awarded by the State of California Office of Traffic Safety. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia absent.
- 2. Resolution No. 2005-154, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AN AGREEMENT WITH SELLERS ASSOCIATES FOR COORDINATION OF COMMUNITY OUTREACH.

- (a) Received transmittal dated November 15, 2005, A Resolution of the City Council of the City of Hollister approving a contract with Sellers Associates to provide services to coordinate community outreach to determine future service needs and funding, from City Manager Quilter.
- (b) Council Member Emerson moved to adopt Resolution No. 2005-154, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AN AGREEMENT WITH SELLERS ASSOCIATES FOR COORDINATION OF COMMUNITY OUTREACH. Motion seconded by Council Member Pike and carried by a 4-0-1 vote, Mayor Valdivia absent.

**E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES
(Continued):**

- 1. Reports from City Council Committees.
 - (a) Council Member Scattini said the Gang Task Force held a community meeting on November 16 where they discussed resources. They had 95 in attendance. He also announced there is a vacancy on the Task Force and anyone interested should contact Chief of Police Miller.
 - (b) Council Member Johnson commented that all three agencies are working together regarding water and wastewater and milestones will be met or the community will know why.
 - (c) Council Member Emerson said that they are hoping to open the Homeless Shelter the first weekend in December. The Homeless Task Force Committee honored Mary Zanger at the National Philanthropy Day luncheon.
 - (d) Council Member Pike commented that it is imperative to expediate a center for youth to work in conjunction with the Gang Task Force.
- 2. Reports from City Council, City Manager, City Attorney, and Staff.
 - (a) City Manager Quilter - will be out of town until November 29 and Chief of Police Miller will be acting city manager.
 - (b) City Attorney Cass - nothing to report.
 - (c) City Clerk Johnson - returned from a visit to Takino, Japan, our sister city, and had a wonderful time there. Next March Takino will become Kato City due to a merge with two neighboring cities. The 16th Annual Lights On Celebration will take place in downtown Hollister on the Saturday after Thanksgiving, November 26, from 5 to 8 p.m. There will be a great parade, wonderful entertainment, businesses will be open

and Santa and Mrs. Claus will be in front of the Veterans Memorial Building for photos with Santa. Our Municipal Code calls for the election of the Mayor and Vice Mayor at the first meeting in December in non-election years so at the next meeting, December 5th, the election will take place and there will be a small reception for the out-going and in-coming Mayors after the meeting.

- (d) City Council Member Pike, District 1 - said hi to Pauline Valdivia; was the master of ceremonies for the National Philanthropy luncheon where 284 attended; participated in the Veteran's Day Parade on November 11 and was proud to honor his Dad, a World War II veteran; has been contacted regarding alleys and will talk to staff about them; and wished everyone a Happy Thanksgiving as he and his family are on their way to New York City for a week.
- (e) City Council Member Emerson, District 4 - congratulated the Balers for their first place (football) win; congratulated Marley Holte who is being recognized by the Hollister Youth Alliance; there will be a holiday craft fair at Rancho San Justo school on Saturday, December 3; and he will be out of the country from December 18 through January 10.
- (f) City Council Member Johnson, District 5 - thanked all who worked on the Veteran's Day Parade; thanked the Hollister Firefighters Association for allowing her to ride on their antique fire truck; attended the ribbon cutting Saturday for the southeast area neighborhood park which is very nice; attended the United Way fund-raising dinner; and wished everyone a Happy Thanksgiving.
- (g) City Council Member Scattini, District 2 - participated in the Veteran's Day Parade; attended the ribbon cutting Saturday for the southeast area neighborhood park; attended the National Philanthropy luncheon; congratulated the Hollister Haybalers; and wished everyone a Happy Turkey Day.
- (h) Mayor Valdivia, District 3 - absent.

4. Hollister Municipal Airport status report.

- (a) Continued to December 5, 2005.

5. June 2005 Unaudited Year-End Progress Report and Five Year Projection Analysis.

- (a) Received memorandum dated November 7, 2005, June '05 Unaudited Year-End Financial Progress Report and Five Year Projection Analysis, from Administrative Services Director Galvan.

(b) Continued to December 5, 2005.

F. UNFINISHED BUSINESS:

1. Resolution No. 2005-155, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER CANCELING THE AGREEMENT WITH THE HOLLISTER INDEPENDENCE RALLY COMMITTEE FOR THE ANNUAL FOURTH OF JULY MOTORCYCLE EVENT.
 - (a) Received transmittal dated November 15, 2005, Consider Canceling contract with Hollister Independence Rally Committee, from City Manager Quilter.
 - (b) Ignacio Velasquez, Hollister, CA owner of the Vault bar and restaurant, support the rally and has some ideas to make it work. He thanked Chief Miller, Sheriff Hill, Captain Brooks, and the Hollister Fire Department as security is a very important component.
 - (c) Christine Howe, Hollister, CA supports the rally but believes it should include activities for the youth. She is more concerned with the local gang activity and shootings than the rally. Mrs. Howe urged the City Council to allow the rally to continue.
 - (d) Charisse Tyson, Hollister, CA said she was disappointed that more business people did not speak and urged the City Council to consider the dollars that will need to be spent to announce that the rally will be canceled. She believes that at least 40,000 motorcyclists will come to Hollister anyway. Ms. Tyson said the community needs to embrace the rally and do more for our youth. She did support using other venues such as the airport and Bolado Park.
 - (e) Claudia Olson, Hollister, CA explained that she has lived here for 16 years and we used to have a wonderful kiddie parade, BBQ's, and fireworks on the 4th of July. She believes the rally has gotten worse the past few years and that many people are afraid to speak up. The rally is not a family oriented event and the \$360,000 spent on security would support our Police Department nicely so the city can't afford the rally.
 - (f) City Council discussion.
 - (g) Council Member Emerson moved to adopt Resolution No. 2005-155, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER CANCELING THE AGREEMENT WITH THE HOLLISTER INDEPENDENCE RALLY COMMITTEE FOR THE ANNUAL FOURTH OF JULY MOTORCYCLE EVENT. Motion seconded by Council Member Johnson and carried by a 3-1-1 vote, Vice Mayor Scattini voting No and Mayor Valdivia absent.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of November 21, 2005, was adjourned at 9:58 p.m. by motion of Council Member Pike. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Mayor Valdivia.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Geri Johnson", written in black ink.

Geri Johnson
City Clerk